

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
(Northern Division)

GREEN & HEALTHY HOMES INITIATIVE,
INC., ET AL.

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY,
ET AL.

Defendants.

Civil Action No.

DECLARATION OF RUTH ANN NORTON

I, Ruth Ann Norton, am over the age of 18 and am competent to testify. I declare as follows:

1. I am President and Chief Executive Officer of Green & Healthy Homes Initiative, Inc. (“GHHI”). Formerly known as the Coalition to End Childhood Lead Poisoning, GHHI is a 501(c)(3) non-profit organization based in Baltimore, Maryland. GHHI seeks to protect public health and advance housing stability in economically challenged communities. GHHI is one of the largest healthy housing organizations in the United States. Our work has long focused on addressing the housing-based causes of lead poisoning, asthma, household injury, and energy inefficiency by creating affordable homes that are healthy, safe, and resilient. We provide services directly to families and communities. We also provide advisory services to other organizations focused on the creation of effective and efficient systems to improve public health and economic outcomes.

2. In December 2023, the Environmental Protection Agency (“EPA”) designated GHHI to serve as the Regional Grantmaker for Region 3 under EPA’s Thriving Communities

Grantmaking Program. EPA awarded GHHI an \$8 million “initial grant” to facilitate further grantmaking under the program and, later, a \$52 million “subsequent grant,” the majority of which GHHI is to award to subgrantees to support community-based environmental protection projects. In late February 2025, EPA terminated GHHI’s initial grant. Around the same time, EPA suspended GHHI’s access to the \$52 million in subsequent grant funding from which GHHI is to make subgrant awards to community organizations.

3. I provide this declaration to detail GHHI’s involvement with the Thriving Communities program, EPA’s sudden discontinuation of GHHI’s grant funding, and the irreparable harms that GHHI will suffer as a result of EPA’s actions.

4. On January 10, 2023, EPA invited applications for its Thriving Communities Grantmaking Program. EPA subsequently amended the Request for Application. A copy of EPA’s Request for Applications Amendment dated May 19, 2023, is enclosed as **Attachment A**.

5. GHHI understood that the purpose of the Thriving Communities Grantmaking Program is to facilitate the flow of funds to community-based non-profit organizations and local and tribal government agencies for critical projects to address environmental conditions, risks, and hazards that negatively impact the health and safety of our communities. Under the program, EPA designated Regional Grantmakers in ten regions across the country. Regional Grantmakers are responsible for developing and implementing an application process and awarding grants to subgrantees to support community-based environmental health projects over periods of one to two years. Regional Grantmakers are also responsible for a vital function, to monitor the use of the funds to ensure full compliance with all applicable laws and regulations.

6. In the summer of 2023, GHHI applied to serve as the Regional Grantmaker for EPA Region 3, which encompasses Delaware, Maryland, Pennsylvania, Virginia, West Virginia,

and Washington D.C., as well as seven federally recognized tribes. In 2023, GHHI expended significant time preparing its application materials, which included numerous forms, a projected workplan, letters of commitment from proposed partners, and an itemized budget.

7. On December 13, 2023, GHHI received notice that it had been selected as a Regional Grantmaker for Region 3. A copy of EPA's December 13, 2023, letter is enclosed as **Attachment B**.

8. Upon being selected as a Regional Grantmaker, EPA awarded GHHI an \$8 million Thriving Communities initial grant. This funding was to support GHHI's hiring of dedicated Thriving Communities staff, outreach to prospective subgrantees, and development and administration of an application and evaluation process, as well as to provide oversight and technical assistance to grant applicants and grantees. As the Regional Grantmaker for Region 3, GHHI planned to award \$48 million in subgrants to more than 200 subgrantee organizations.

9. GHHI's \$8 million initial grant was governed by a Cooperative Agreement (Grant Number: 5N-95341301), which identified the project period as May 1, 2024 through April 30, 2027. A copy of the Cooperative Agreement is enclosed as **Attachment C**.

10. In reliance on being designated the Regional Grantmaker for Region 3, GHHI undertook substantial work to build out the Thriving Communities program. This work included outreach to potential subgrantee organizations and communities, design of a competitive application and evaluation process, and creation of tracking and reporting systems that subgrantees could use.

11. GHHI hired nine employees to work full-time on the Thriving Communities program, while also deploying existing staff to support the program. Those hired included: senior management, compliance, quality assurance, and grants management personnel, program officers

to interface with subgrantees, a senior accountant, and public engagement and administrative staff to execute the project in full compliance with all terms and conditions. Other GHHI employees, including the organization's senior leadership, also dedicated a great deal of time to applying for the Thriving Communities grant and, upon award, building, staffing and properly administering the program. Those dedicating a significant proportion of their time to the Thriving Communities program include the organization's General Counsel and Senior Technical Advisor, Senior Vice President of Policy and Innovation, and Director of Data, Evaluation, and Learning. Since our selection as a Regional Grantmaker in 2023, I have spent about 35% of my own time on our implementation of the Thriving Communities program. Since the termination of GHHI's \$8 million grant, I have spent over 60% of my time on the Thriving Communities program.

12. Over the past year, in accordance with EPA guidance, GHHI has conducted over 30 in-person outreach events throughout Region 3, as well as numerous conference calls and webinars. We have engaged in a broad social media campaign to inform and engage communities (including non-profits, local governments, tribal communities, and universities) about the unique and important opportunities offered by the Thriving Communities program.

13. GHHI developed materials, which were then vetted and approved by EPA, to communicate the goals of the program and to educate prospective subgrantees about the application process. Among other materials, GHHI developed a Thriving Communities website; applications and web-based portals for submission of applications; and training materials to guide prospective applicants through the process (including webinars explaining the program, FAQ's and a video training prospective subgrantees on using the application portal).

14. In furtherance of EPA goals, GHHI also built relationships with partner organizations and community leaders throughout the region. For instance, GHHI recruited members of an Advisory Board to help with the review and selection of subgrantees. GHHI selected Advisory Board members based on their experience, expertise, and community perspective on environmental health, safety issues and community services.

15. GHHI also built relationships with technical assistance partners to lend their expertise to support subgrantees in implementing their grant projects. For instance, one of GHHI's technical assistance partners, the Children's National Hospital, was to serve as a resource to subgrantees on prevention strategies with the goal of reducing asthma and other health conditions that negatively affect children and burden the health systems. GHHI also brought on the Virginia Poverty Law Center and Howard University as technical assistance partners.

16. GHHI planned to compensate Advisory Board members and technical assistance partners with funds from the \$8 million initial grant.

17. Throughout the program development phase, GHHI had extensive written communications and weekly meetings with EPA officials regarding all aspects of its Thriving Communities program to ensure compliance with program goals. EPA officials frequently praised GHHI's work and communicated that GHHI had met its obligations and milestones under the terms of the grant and was a demonstrated organizational leader on the Grantmaking Program.

18. EPA officials approved GHHI's work at several points, including its Quality Management Plan and Request for Applications. In August 2024, EPA authorized GHHI to

proceed with its application process for Thriving Communities subgrant awards. A copy of an August 2, 2024, e-mail conveying that authorization is enclosed as **Attachment D**.

19. On September 4, 2024, EPA awarded GHHI a Thriving Communities subsequent grant. EPA amended the subsequent grant on December 27, 2024, to reflect an amount of \$52 million. GHHI is required to award the majority of these additional grant funds (\$48 million of the \$52 million) as subgrants to support projects undertaken by non-profit organizations and local and tribal governments selected through GHHI's Thriving Communities subgrant application process. A copy of the Assistance Amendment reflecting the \$52 million subsequent grant is enclosed as **Attachment E**.

20. On February 20, 2025, GHHI selected an initial 63 organizations to receive subgrants for their planned projects consisting of 12 subgrantees in Maryland, 17 in Pennsylvania, 6 in the District of Columbia, 13 in Virginia, 13 in West Virginia, and 2 in Delaware. The total grant award amount from this initial phase is \$19,185,964.

21. On or around February 21, 2025, GHHI sent award letters to the 63 subgrantees. These letters notified the subgrantees that they had been selected to receive a grant, the amount of the grant, and the next steps in the process.

22. The next morning, I received an e-mail from Kelly Sherwood, EPA's Acting Grants Management Officer, with the subject line "Termination of EPA Assistance Award: 5N-95341301." The e-mail from Ms. Sherwood attached two documents: a termination memorandum and an Assistance Amendment to the Thriving Communities initial grant, both dated February 21, 2025 (though sent and received on February 22, 2025). A copy of the e-mail is enclosed as **Attachment F**.

23. The termination memorandum states that the organization's Thriving Communities initial grant award "is terminated in its entirety effective immediately on the grounds that the award no longer effectuates the program goals or agency priorities." A copy of the termination memorandum is enclosed as **Attachment G**.

24. The Assistance Amendment to the Thriving Communities initial grant states that that "[t]his amendment is stop work; terminate the agreement; reduce performance period duration; curtail scope of work; and waive certain reporting requirements." A copy of the Assistance Amendment dated February 21, 2025 (and received the following day) is enclosed as **Attachment H**.

25. Around the time that EPA terminated GHHI's Thriving Communities \$8 million initial grant, EPA also suspended GHHI's access to the EPA ASAP payment portal for the \$8 million grant and the \$52 million subsequent grant from which GHHI was to make subgrant awards to community organizations. GHHI's access remains suspended for both grants and GHHI is incapable of making payments to its subgrantees. A copy of GHHI's profiles on the Automated Standard Application for Payments system showing the status of GHHI's Thriving Communities grants as "suspended" are enclosed as **Attachment I**.

26. GHHI had no notice or indication prior to EPA's sudden discontinuation of its Thriving Communities grant funding. GHHI had relied and acted upon its expectation and understanding that EPA would fulfill its commitment to provide the Thriving Communities grant funding it had awarded to GHHI. At the time that EPA discontinued grant funding, GHHI was more than nine months into the three-year project period. GHHI had hired staff, developed its budget, launched its fully public subgrant application process and planned work based on the

award of the terminated grant. GHHI had already awarded dozens of subgrants and was well underway in evaluating hundreds of additional applications.

27. EPA's sudden termination of GHHI's Thriving Communities initial grant and suspension of its subsequent grant funding has already caused immediate and significant harm to GHHI, its partner organizations, and subgrantees across the region. If the funding is not restored, those harms will become increasingly severe.

28. Most imminently, GHHI will be forced to lay off staff as early as this month. GHHI has hired nine full-time employees specifically to work on the Thriving Communities program. GHHI was funding these positions through the \$8 million initial grant, and it planned to do so for the three-year duration of the program. GHHI has eight additional employees whose work is funded in part by Thriving Communities grant funding. GHHI will have to lay off at least 10 staff members (given that the grant funded, either fully or partially, 17 employees). GHHI will have to lay off these staff members in the coming weeks if funding is not restored. GHHI has already developed plans to restructure the organization and lay off staff. At present, GHHI is dipping into its reserves to continue paying its employees. This is not a sustainable solution.

29. The termination and suspension of funding has interfered with GHHI's work, both under the Thriving Communities program and in other programmatic areas. Immediately following discontinuation of GHHI's Thriving Communities grant funding, GHHI cancelled events that advance the program, including an event to announce the awarding of subgrants in West Virginia. GHHI has been forced to halt all in-person trainings and marketing events to promote the grant application process, including efforts planned in remote, rural, and tribal communities. Without adequate staffing or funding, GHHI will be forced to stop its review and

processing of subgrant applications; its processing of subgrantee advances; and its monitoring and compliance oversight of subgrantees.

30. Simply put, if GHHI's grants and access to grant funding are not restored in short order, GHHI will be forced to shut down the Thriving Communities program. Moreover, if we were forced to shut down the program, we could not simply restart at some point in the future. Even if our Thriving Communities grants were restored in full one year from now, GHHI could not simply rehire all the people that it let go and resume the programmatic work at the point where that work stopped. By then, GHHI will have lost the talented employees who spent more than a year learning EPA's requirements and developing the program, the relationships with partner and subgrantee organizations that it has worked hard to develop, and the awareness of and enthusiasm for the Thriving Communities program that it generated through an extended campaign of outreach in communities across the Mid-Atlantic region.

31. In addition to the impact on GHHI's work under the Thriving Communities program, the discontinuation of grant funding will cause irreparable harm to GHHI as an organization and to its work in other programmatic areas. The diversion of GHHI's resources to cover salaries for GHHI employees working under the Thriving Communities program means that GHHI has fewer resources available to support its other projects. Thus far, GHHI has spent funds to cover salaries that it hoped to use for community education regarding lead poisoning, as well as for our Whole Homes Program, which incorporates energy efficiency improvements into projects remediating health and safety hazards in the homes of low-income families and seniors. EPA's actions are forcing GHHI to bleed funds and represent an existential threat to our organization's ability to continue its decades-long record improving the health and safety of local communities.

32. GHHI's partners have also been harmed by the discontinuation of grant funding. Our partners, including Children's National Hospital, Howard University, and the Virginia Poverty Law Center, hired staff and planned work to provide technical assistance to subgrantees in reliance on our partnerships. As a result of EPA's actions, however, GHHI had no choice but to direct its partners to immediately stop work.

33. On Monday February 24, 2025, I sent e-mails to our Technical Assistance Partners asking them to immediately stop work. That same day, I sent a substantially similar e-mail to the members of our Thriving Communities Advisory Board. A representative example of those e-mails is enclosed as **Attachment J**.

34. The discontinuation of Thriving Communities grant funding has also upended GHHI's budget and planned work. The \$8 million Thriving Communities initial grant represents a sizeable portion of GHHI's budget. We had relied on EPA to fulfill its obligations under the grant and had planned our work through 2027 accordingly. Because of our commitment to EPA and Thriving Communities since December 2023, we have also declined other opportunities to expand our programs and our work. GHHI does not have access to alternate funds to replace the discontinued funding, as we do not have the ability to fundraise millions of dollars in the next few weeks to continue paying the Thriving Communities staff and our partners.

35. GHHI, as an organization, will suffer serious harm to its reputation due to EPA's actions. GHHI spent more than a year building relationships with community leaders, partner organizations, non-profits, local governments, and philanthropic and civic organizations in communities across the country in connection with the Thriving Communities program. Each of these organizations relied on GHHI's status as a Regional Grantmaker and its commitment to develop and administer the program. With the grant money frozen, however, GHHI cannot fulfill

its obligations under the program. The relationships and trust that GHHI painstakingly built with other organizations and leaders are likely to erode as a result.

36. The damage to GHHI's reputation will be particularly severe given that it already announced an initial round of subgrantee awards. If the funding is not restored, GHHI will have to inform these subgrantee organizations that it will no longer be able to fund their planned projects.

37. GHHI has operated for 32 years as a non-political, non-partisan organization dedicated to reducing lead poisoning and environmental hazards in communities. GHHI has made and will make all grant award decisions based solely upon the merits of the applicants and their project applications in accordance with all applicable guidance from the EPA. None of GHHI's grant award decisions or other grant program decision-making or actions are predicated or influenced by political factors but are instead based upon the grant requirements, GHHI's grant agreements with EPA, and other federal requirements.

38. In its memorandum terminating our Thriving Communities initial grant, EPA stated that our grant award might be "inconsistent with" its "Agency priority" of not funding "programs or organizations that promote or take part in . . . 'DEI' initiatives [or] 'environmental justice' initiatives.'" This statement places GHHI in an impossible situation. We do not know what if any GHHI "initiatives" EPA is referencing. EPA has not provided a definition of the terms "DEI" or "environmental justice," nor has it identified any GHHI initiatives that it has found to be objectionable. Nonetheless, it appears that, to continue partnering with EPA on this project and other initiatives such as the implementation of the 2018 EPA Federal Lead Action Plan, we would be required to evaluate our programs and eliminate any that EPA might characterize as "DEI" or "environmental justice." It puts an unfair and profound burden on our

organization for us to be forced to choose between, on the one hand, retaining programs that we embraced because they improve public health, the environment and access to housing in all of our communities but that EPA might somehow find objectionable and, on the other hand, preserving the opportunity to work with EPA in the future.

39. EPA's actions will damage GHHI's reputation for reliability, quality and performance. Subgrant applicants and subgrantees, after having responded to our extensive public outreach concerning the Thriving Communities program, will question GHHI's ability to deliver on its commitments. Further, EPA's unjustified cancellation of GHHI's grant award may compromise GHHI's ability to secure other federal, state, local, philanthropic and private funding. EPA states in its memorandum terminating GHHI's Thriving Communities initial grant (albeit without any specificity or evidence whatsoever) that our work might not be "free from fraud, waste, abuse and duplication." If GHHI is wrongly perceived to have engaged in such conduct, other funders will be hesitant to support GHHI's work.

40. EPA's sudden discontinuation of GHHI's grant funding has also caused confusion among GHHI's partner organizations and subgrantees and has disrupted their work and planning. It is my understanding that a number of our partner organizations and subgrantees have paused implementation of their planned work and projects because of uncertainty about promised funding.

41. The purpose of the Thriving Communities program is to address serious environmental, health and safety issues in our communities. As a result of EPA's actions, subgrantees will be unable to complete their projects, which will result in negative public health outcomes in our communities. This will cause profound harm regionwide, as exemplified by the

projects that were awarded funding in GHHI's first round of Thriving Communities subgrant awards.

42. GHHI awarded \$280,000 in its first round of subgrant awards to a nonprofit community development organization in Wayne County, West Virginia. In recent years, storm events have caused sewage to overflow into a town's public drinking water system and local bodies of water. Our subgrantee organization had planned to use its subgrant awarded to prevent future overflows and contamination of local water sources.

43. GHHI awarded approximately \$350,000 to a city development authority in Wetzel County, West Virginia for a project to remediate lead contamination in a local park on the bank of the Ohio River. Recent testing has confirmed dangerously high levels of lead contamination in the soil of the park's campgrounds. Such contamination has been documented to harm the brain and cognitive ability, to damage bones and kidneys, and to increase the risk for cancer.

44. GHHI awarded \$350,000 to a small city in Delaware County, Pennsylvania, to remediate lead exposure and poor indoor air quality in at least 17 homes, with a particular focus on those with children and pregnant women. The city also planned to use the subgrant award to distribute high-efficiency air purifiers to households with occupants who suffer from asthma.

45. These are just a few examples of projects planned by subgrantees in reliance on the Thriving Communities program. Other subgrantees planned projects to stop stormwater waste from flowing into drinking water sources, improve air quality, remove lead in soil in parks and playgrounds, and remediate asbestos, lead and radon hazards in homes.

46. If the funding is not immediately restored, hundreds of subgrantees will not be able to complete their projects, and GHHI's programs will suffer, as will communities and people across the region that GHHI seeks to serve.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: April 2, 2025

DocuSigned by:

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Ruth Ann Norton